

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JARED ANDREW MARTIN,

Plaintiff,

v.

BENJAMIN MENDOZA, et al.,

Defendants.

Case No. 1:22-cv-01484-AWI-EPG (PC)

ORDER DENYING MOTION TO TOLL
SCREENING OF COMPLAINT AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE

(ECF No. 8)

On December 29, 2022, Plaintiff filed a motion to toll the screening of complaint or dismissal without prejudice. (ECF No. 8). In the motion, Plaintiff complains that his grievances are not being properly processed. He asks the Court to “refrain from moving forward until [he] is released from Madera County Jail.” (*Id.* at 1). “If that option is not available[,] Plaintiff asks the Court to dismiss this action without prejudice.” (*Id.*).

Plaintiff appears to be asking the Court to stay this case until he is released. District courts have broad discretion in deciding whether to stay a case. *See Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”). The moving party has the burden to show that a stay is appropriate. *Clinton v. Jones*, 520 U.S. 681, 708 (1997). In determining whether to enter a stay, the court must consider the competing interests at stake, including (1) “the possible damage which may result from the granting of a stay,” (2) “the hardship or inequity which a party may suffer in being required to go forward,” and (3) “the orderly course of justice measured in terms

1 of the simplifying or complicating of issues, proof, and questions of law which could be expected
2 to result from a stay.” CMAX, Inc. v. Hall, 300 F.2d 265, 268 (9th Cir. 1962) (citing Landis, 299
3 U.S. at 254-55).

4 Here, Plaintiff has not adequately explained why the case should be stayed. Plaintiff
5 complains about his grievances not being properly processed, but he does not explain how that is
6 preventing him from moving forward with this case or how a stay would benefit either Plaintiff or
7 the Court. Moreover, Plaintiff has not provided an estimated release date. Thus, it is unclear how
8 long this case would be stayed. Accordingly, Plaintiff has not met his burden to show that a stay
9 is appropriate, and the Court will deny Plaintiff’s motion to stay.

10 As to Plaintiff’s alternative request, the Court construes it is a notice voluntarily
11 dismissing this action without prejudice pursuant to Federal Rule of Civil Procedure
12 41(a)(1)(A)(i). Therefore, this action has been terminated.¹ Fed. R. Civ. P. 41(a)(1)(A)(i);
13 *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

14 Accordingly, IT IS ORDERED that:

- 15 1. Plaintiff’s motion to stay this case is denied; and
- 16 2. The Clerk of Court is DIRECTED to close this case.

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18 IT IS SO ORDERED.

19 Dated: **January 3, 2023**

20 /s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE

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26 ¹ The Court notes that the dismissal is automatically without prejudice, unless Plaintiff previously dismissed
27 a federal or state court action that is based on, or includes, the same claims at issue in the present case. See Fed. R.
28 Civ. P. 41(a)(1)(B) (“Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the
plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of
dismissal operates as an adjudication on the merits.”). Thus, although Plaintiff’s case is voluntarily dismissed, it is
unclear, and the Court does not decide, whether the voluntary dismissal is with or without prejudice.